

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION**

DAVID HILLIARD

CIVIL ACTION NO. 1:09CV0266

VERSUS

JUDGE DEE DRELL

KAWASAKI MOTORS CORP.

MAGISTRATE JUDGE KIRK

**CIVIL CASE MANAGEMENT ORDER NO. 1**

***PLEASE READ CAREFULLY. THIS ORDER DIRECTS THE HANDLING OF YOUR CASE!***

This Case Management Order is intended to provide counsel with the maximum opportunity for input regarding case management prior to the pretrial conference. For cases over which Judge Dee D. Drell and Magistrate Judge James D. Kirk have responsibility, excluding: (1) actions brought without counsel by a person in custody of the United States, a state, or a state subdivision; (2) petitions for writs of habeas corpus; (3) social security matters; (4) pro se § 1983 actions against prisons or wardens; (5) petitions for relief under 28 U.S.C. §§ 2254-2255; (6) ERISA cases arising out of 29 U.S.C. §1132; and (7) appeals from decisions of the bankruptcy court, the following Order shall apply:

1. No later than ***May 19, 2009*** (ninety days from the date of filing of this matter or, in cases reassigned to Judge Drell from another judge, ninety days from the date of the Order reassigning the case), counsel for the plaintiff shall initiate a conference between/among the parties in the case as of that time. If the plaintiff is unrepresented, counsel for the first named represented defendant shall initiate the conference. If all parties are unrepresented, the plaintiff shall initiate the conference. The conference may be by telephone or other electronic means. At this conference, the attorneys for the parties and/or the unrepresented parties themselves, shall prepare a “Plan of Work” designed to avoid unnecessary delay in the disposition of the matter.
2. The Plan of Work should have two sections. (A sample Plan of Work format is attached to this Order.) The first section shall include a schedule limiting the time for completion of discovery and setting final dates for filing dispositive motions, adding parties, and/or filing amended pleadings. The schedule should reflect the parties’ best estimates (based on the information then reasonably available to them) of the time needed for case development. Other matters that must be addressed in the first section of the Plan of Work include the following: deadlines for employing experts, taking depositions, and/or exchanging reports; consideration of the matters set forth in Fed. R. Civ. P. 26(f); certification of compliance with the provisions of Fed. R. Civ. P. 26(a); and the **e-mail addresses for all trial attorneys**. Dates for the pretrial conference and the trial should NOT be included in the Plan of Work.

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3. The second section of the Plan of Work should explain areas of disagreement and/or issues, if any, regarding the information set forth in the first section of the Plan of Work. The second section should also detail any failure of counsel or an unrepresented party to demonstrate good faith participation in the Plan of Work process.
4. The person initiating the conference in paragraph (1) of this Order shall be responsible for **filing the original written Proposed Plan of Work** within the deadlines established by Fed. R. Civ. P. 26(f). The filing may be entered in the court's electronic filing system by using the "**Motions**" category and selecting the **Proposed Plan of Work** event. The clerk is responsible for referral to chambers for approval and entry of the Plan of Work if accepted by the court. The filer shall also be responsible for submitting, with the written Plan of Work, a proposed Order accepting the Plan of Work and designating it as the Scheduling Order. (A sample Plan of Work is attached to this Order.) The court will then contact counsel/unrepresented parties as appropriate for further Plan of Work clarification. Subsequently, the court will issue a Scheduling Order, as outlined in Fed. R. Civ. P. 16(b). Parties and counsel are reminded that LR41.3W(C) provides for dismissal of actions pending six months without proceedings being taken within such period. This rule encompasses failure to file the Plan of Work required in this Order. The filing of a Plan of Work after dismissal under LR41.3W(C) will not serve to reinstate a case.
5. Parties may NOT file separate proposed plans of work. Areas of disagreement, if any, on the proposed plan must, instead, be noted in the designated section of the joint proposed plan.
6. In accordance with LR 7.1W, the appropriate method of transmitting any motion or response, including attachments and exhibits, shall be by **MAILING** a hard copy to chambers. Difficulties regarding this rule may be resolved by a telephone call to chambers.
7. The court may monitor case development with the use of telephone status conferences and/or other contact at appropriate intervals, but generally once a quarter.
8. Upon determining that the legal and factual issues in the case are sufficiently developed, **the court will schedule the case for a pretrial conference approximately 60 days following the last deadline date agreed to by the parties in the Plan of Work. At the pretrial conference, the court will set the case for trial** and will attend to other matters as needed. Counsel and/or unrepresented parties will be expected to attend the pretrial conference in person.

**BY ORDER OF THE COURT**

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**PROPOSED PLAN OF WORK**

On [insert date] , the following individuals participated in a meeting [by telephone/other electronic means] [in person] during which this Plan of Work was formulated: [List all parties and their counsel, if any, **including e-mail addresses for trial attorneys.**] ]

**Part A**

Based on the information now reasonably available, the parties have agreed upon the following:

- |         |  |
|---------|--|
| 1._____ | Deadline for completion of discovery                                   |
| 2._____ | Final date for filing dispositive motions                              |
| 3._____ | Final date for adding parties  |
| 4._____ | Final date for filing amended pleadings                                |
| 5._____ | Final date for employing experts                                       |
| 6._____ | Final date for exchanging reports of experts                           |
| 7._____ | Final date for taking depositions of experts                           |
| 8._____ | Date disclosures under Fed. R. Civ. P. 26(a) were made or will be made |

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9. Considering the subjects addressed by Fed. R. Civ. P. 26(f), the parties propose the following changes, limitations, or other matters:  NONE; or \_\_\_\_\_

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**Part B**

The following areas of disagreement, issues, or problems have arisen regarding the information set forth in Section A and/or the participation of counsel/unrepresented parties in the Plan of Work process:  NONE; or \_\_\_\_\_

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*[Further explanation for any response may be entered on supplemental pages.]*

**THE PLAN OF WORK MUST BE SIGNED IN ORIGINAL AND DATED BY ALL COUNSEL/UNREPRESENTED PARTIES.**

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**O R D E R**

Considering the Proposed Plan of Work submitted herein,

IT IS ORDERED that the Plan of Work be and is hereby accepted and shall become the Scheduling Order in this case, subject to the following modifications:

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It appearing to the Court that the provisions of the Plan of Work will be satisfied on \_\_\_\_\_, 200\_\_,

IT IS FURTHER ORDERED that a pretrial conference be held, in Chambers, on \_\_\_\_\_, 200\_\_, beginning at \_\_\_\_\_.M.

IT IS FURTHER ORDERED that the Clerk of Court send out the Civil Case Management Order No. 2 - Pretrial Proceedings and Standing order-Possession and use of Electronic Devices in the Courtroom.

SIGNED on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at Alexandria, Louisiana.

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DEE D. DRELL  
UNITED STATES DISTRICT JUDGE